

# Exhibit 2

Confidential - Kenneth Rudo, Ph.D.

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CIRCUIT COURT OF THE STATE OF MARYLAND  
COUNTY OF BALTIMORE

JEFF ALBAN, et al.,            )  
                                      )  
                  Plaintiffs,    )  
                                      )County Case No.  
                                      )03-C-06-010932  
                                      )OT  
                  vs.                )  
                                      )  
EXXONMOBIL CORPORATION,    )  
et al.,                            )  
                                      )  
                  Defendants.    )

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January 31, 2008

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CONFIDENTIAL Videotaped  
Deposition of KENNETH RUDO, Ph.D., held  
in the law offices of Venable, LLP, 210  
Allegheny Avenue, Towson, Maryland  
21285-517, beginning at approximately  
9:47 a.m., before Ann V. Kaufmann, a  
Registered Professional Reporter,  
Certified Realtime Reporter, Approved  
Reporter of the U.S. District Court, and  
a Notary Public.

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GOLKOW TECHNOLOGIES, INC.  
One Liberty Place, 51st Floor  
Philadelphia, Pennsylvania 19103  
877.370.3377

1 APPEARANCES:

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9 Counsel for Exxon Mobil Corporation

10 PRESENT:

11 SCOTT PICKERING, Videographer  
Golkow Technologies, Inc.

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## 1 EXAMINATION INDEX

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KENNETH RUDO, Ph.D.

3

BY MR. STACK . . . . .10

4

5

## EXHIBIT INDEX

6

MARKED

Rudo

7

1 Three-page invoice of 45  
Kenneth Rudo

8

9 2 Preliminary Expert Report 55  
and CV of Kenneth M. Rudo  
10 Ph.D., with attachments

10

11 3 Expert report 150  
of Ira L. Whitman, Ph.D.  
12 June 2007

12

13 4 Chart 175

14

15 5 Article entitled "The Risk 207  
of MTBE Relative to Other  
VOCs in Public Drinking  
Water in California," 2004

16

6 Document entitled "A 219  
Probabilistic Assessment of  
Household Exposures to MTBE  
from Drinking Water," 2000

17

18 7 Article entitled "Overview 220  
of MTBE and TBA Exposures  
and Human Health Risk in  
the U.S.," 2002

20

21

8 Article entitled "Dermal, 242  
Oral, and Inhalation  
Pharmacokinetics of Methyl  
Tertiary Butyl Ether (MTBE)  
in Human Volunteers," 2003

22

23

24

1 THE VIDEOGRAPHER: We're now  
2 on the record. My name is Scott  
3 Pickering. I'm a videographer from  
4 Golkow Technologies, Inc., One Liberty  
5 Place, 1650 Market Street, 51st floor,  
6 Philadelphia, Pennsylvania. Today's  
7 date, January 31, the year 2008, and the  
8 time is now 9:47 a.m.

9 This video deposition is  
10 being held at Venable, LLP, at 210  
11 Allegheny Avenue, Towson, Maryland, in  
12 the matter of Jeff Alban, et al., versus  
13 Exxon Mobil Corporation, et al., for the  
14 Circuit Court of the state of Maryland,  
15 County of Baltimore. The deponent is  
16 Kenneth Rudo.

17 Will counsel please identify  
18 themselves for the record.

19 MR. WELTCHEK: Bob Weltchek  
20 here on behalf of the plaintiffs and on  
21 behalf of Dr. Rudo.

22 MR. STACK: Bill Stack on  
23 behalf of Exxon Mobil.

24 THE VIDEOGRAPHER: The court

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1 reporter today is Ann Kaufmann, and she  
2 will now swear in the witness.

3 -----

4 ...KENNETH RUDO, Ph.D., 5505  
5 Six Forks Road, Raleigh, NC 27609,  
6 having been duly sworn, was examined and  
7 testified as follows:

8 EXAMINATION

9 BY MR. STACK:

10 Q. Please state your full name  
11 for the record.

12 A. Kenneth Mark Rudo.

13 Q. And what is your current  
14 business address?

15 A. Oh, I have a lot of trouble  
16 memorizing the Zip code, so if you'll  
17 forgive the Zip part of it. But it's --  
18 I believe it's 5505 Six Forks Road,  
19 Raleigh, North Carolina, and it would be  
20 the North Carolina Division of Public  
21 Health.

22 Q. And your employer is the  
23 State of North Carolina?

24 A. Yes, sir.

1 A. Correct.

2 Q. And did you ever attempt to  
3 quantify that risk?

4 A. Once again, I haven't been  
5 tasked to do it. That would be up to  
6 the law firm.

7 Q. And with respect to  
8 exposure to MTBE, do you know if any of  
9 the plaintiffs have a statistically  
10 significant increase in their likelihood  
11 of contracting cancer as a result of  
12 exposure to MTBE in this case?

13 A. Yes.

14 Q. And what is your opinion?

15 A. Well, it's essentially what  
16 I say in here. I mean qualitatively, to  
17 begin with, you know, as a toxicologist  
18 working with a mutagenic carcinogen, you  
19 know, at any level, there is no  
20 threshold for safety for a mutagenic  
21 carcinogen, so any level poses an  
22 increased risk. So anybody that has  
23 it in their -- has MTBE is at an  
24 increased risk. And that's pretty much,

1     you know, as far as -- you know, that's  
2     basically what I'm stating here.

3             Q.     And in the course of  
4     developing that qualitative opinion, you  
5     base that on the fact that the exposure  
6     to MTBE, in your opinion, that's  
7     appropriate is zero; am I correct?

8             A.     Yes. Well, for -- in terms  
9     of saying what is a safe level, zero  
10    would be it.

11            And you would find, I think,  
12    also when EPA sets their maximum  
13    contaminant levels for public water  
14    systems, they have what's called a  
15    maximum contaminant level goal, MCLG,  
16    and they set that as zero for  
17    carcinogens because that's the -- we're  
18    basically working off the same piece of  
19    paper here in that a mutagenic  
20    carcinogen, in theory, has no safe  
21    level.

22            Q.     Now, with regard to  
23    MCLGs -- and you anticipated my next  
24    question -- does the EPA designate MTBE